

Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:00 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: SB 858 - Amend revocation of paternity act

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:35 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: SB 858 - Amend revocation of paternity act

From: Ed Rivet <erivet@rtl.org>
Sent: Thursday, April 28, 2016 3:53 PM
To: Lovik, Mary (DHHS) <LovikM@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Cain, Debi (DHHS) <CainD@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
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In any event, we were hopeful that SB 858 would close some of the gaps left in HB 4481, and are wondering if you have insights. If it really is stalled, we are disappointed to hear it.

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Phone: 517-241-7591
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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 1:59 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Email #2

-----Original Message-----

From: Rohrer, D'Ann <drohrer@msu.edu>
Sent: Friday, July 19, 2019 2:04 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: RE: Email #2

I received both your emails and I have sent to States' 4-H for approval.

Thanks,

D'Ann Rohrer
Michigan State University Extension
3000 North Stiles Road
Scottville, MI 49454
Office: 231-845-3361
drohrer@anr.msu.edu

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Okay, here's the story...

Shelli has agreed that my proposed changes will alleviate their concerns, so we're over that hurdle! I asked Sandra in Jones office if we can have a sub ready for committee on Tuesday, because the bill has been formally posted for consideration this Tuesday. The train is rollin' and I think the outcome is going to be what we want.

As to the concerns noted below, we will push for immediate effect upon the governor's signature. I see ZERO problem getting that, especially if \$400K is on the line. If any of the other issues (cross-reference or cohabitation) need further language adjustments we can make those changes on the Senate floor or in the House committee. My strong advice for this first step is to get the substitute bill out of committee with the ACLU okay, and if more tweaks are still needed, we'll work them in later.

Let's plan on an important step forward come Tuesday.

Ed

On 4/28/2016 5:30 PM, Lovik, Mary (DHHS) wrote:

Hi again:

I've attached a mark-up of the bill that includes your suggestions below, Ed (in blue highlight), along with suggestions for changes that the MDSVPTB members suggested (in yellow highlight). Some of the MDSVPTB changes were suggested to be sure we comply with the federal Rape Survivor Child Custody Act that gives us the funding increase.

There are still 3 issues in the bill that I will be conferring about with the staff in the federal grant office to be sure they don't disqualify us. These are in green highlight. They are:

- the effective date of the bill (must it be in effect as of the date of our application or is the 90 day lag time acceptable?),
- the cross-reference to the statutes governing termination of parental rights in child protection cases – these give precedence to the child protection case, and I think there's no problem, but I'm a cautious person, so I want to be sure.
- The cohabitation provision that you suggest below. Again, I'm not overly concerned about it, but I want to be sure. You'll see a question I have about what it looks like in real life in the comment next to the text.

I've made comments next to the text throughout to explain why we've made the suggestions we have – if there's anything unclear or problematic let me know. Most of the suggestions are of a technical or clarifying nature so I'm hoping that they will not be unduly troubling to anyone.

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To: Lovik, Mary (DHHS) <LovikM@michigan.gov>; Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: SB 858 - Amend revocation of paternity act

Bless you Ed....thanks much!!

Debi

From: Lovik, Mary (DHHS)
Sent: Thursday, April 28, 2016 3:55 PM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Cain, Debi (DHHS) <CainD@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: SB 858 - Amend revocation of paternity act

That would be wonderful. Thanks much, and please keep me in the loop – will be glad to help out as I can.

Mary

From: Ed Rivet [<mailto:erivet@rtl.org>]
Sent: Thursday, April 28, 2016 3:53 PM
To: Lovik, Mary (DHHS) <LovikM@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Cain, Debi (DHHS) <CainD@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
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In addition to the Act signed by the Governor, we'll need to submit with our applications an opinion from the AG's office that the new law is consistent with the federal Act. We could request the AG opinion during the legislative process as soon as we can get language that is likely to pass into the final version.

We much appreciate your work with ACLU. If I can help with the due process piece let me know. I've attached the federal act, which specifically mentions that the "clear and convincing" standard is consistent with constitutional due process standards as expressed by

the US Supreme Court. See 42 U.S.C.A. § 14043h-1, which appears toward the end of the attachment (for some reason, the download produced the statutes in reverse order). Perhaps this will help. Any other info or assistance you might need, please let me know.

Thanks again,

Mary

From: Ed Rivet [<mailto:erivet@rtl.org>]
Sent: Thursday, April 28, 2016 2:31 PM
To: Lovik, Mary (DHHS) <LovikM@michigan.gov>
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I just need to work with Shelli to get the language cleaned up and I'm pretty sure we'll be able to get SB 858 back on track for action very soon - like in the next couple of weeks. It is our intention to have 858 done and sent to the governor before the Legislature recesses in June. We absolutely want to see the department be able to access that additional \$414K in funding!

We agree with you that the job is only have done and have every intention of finishing the job. Will get back to you soon on our progress with the ACLU.

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On 4/28/2016 1:43 PM, Lovik, Mary (DHHS) wrote:

Hi Ed,

Hope you're doing well. I've heard that the above bill isn't moving, and I wonder if you have any information as to whether this is true, and if so, what the issues are that hold it back?

It occurs to me that perhaps legislators are thinking that the issue of rapists' access to children is covered by the passage of HB 4481, which would prohibit awards of child custody/parenting time to a biological parent who is found by clear and convincing evidence to have committed rape. While that bill is an important step in the right direction, it does not offer the same level of protection to rape victims and their children that HB 858 does. HB 4481 only addresses access to children. Unlike SB 858, it does not terminate other aspects of

parental rights, such as the right to guardianship in the event the mother dies, or the right to inherit. (Regarding inheritance, is possible under current Michigan law for a rapist to inherit from a child who predeceases him without leaving a will.) I'm also concerned that sec. 7a(5) of HB 4481 may limit rape victims to "defensive" use of the relief the bill provides, in that it specifies that the bill's prohibitions can be asserted against a rapist in response to his actions seeking custody or parenting time with the child. It's not clear under the bill whether a mother can herself initiate a court action for a declaration that the rape perpetrator cannot have access to the child. SB 858 clearly allows a mother to take the initiative to request this relief, relieving her of the burden of waiting for the rape perpetrator to come forward first.

Because of the foregoing gaps in protection, the bill doesn't meet the requirements of the Federal Rape Survivor Child Custody Act, 42 USC 14043h et seq., which would increase the amount of federal funding provided to programs that provide services to rape victims. Based on Michigan's current funding streams, compliance with this Act would increase the state's current level of funding by approximately \$414,000.

In any event, we were hopeful that SB 858 would close some of the gaps left in HB 4481, and are wondering if you have insights. If it really is stalled, we are disappointed to hear it.

Best,
Mary Lovik

Michigan Domestic & Sexual Violence Prevention &
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Grand Tower, Suite 615
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Lansing, MI 48909
Phone: 517-241-7591
Fax: 517-241-8903
Lovikm@michigan.gov

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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:00 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: SB 858 - Amend revocation of paternity act
Attachments: SB 858 suggested amendments.docx

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:34 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: SB 858 - Amend revocation of paternity act

From: Lovik, Mary (DHHS) <LovikM@michigan.gov>
Sent: Thursday, April 28, 2016 5:30 PM
To: Ed Rivet <erivet@rtl.org>
Cc: Cain, Debi (DHHS) <CainD@michigan.gov>; Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: SB 858 - Amend revocation of paternity act

Hi again:

I've attached a mark-up of the bill that includes your suggestions below, Ed (in blue highlight), along with suggestions for changes that the MDSVPTB members suggested (in yellow highlight). Some of the MDSVPTB changes were suggested to be sure we comply with the federal Rape Survivor Child Custody Act that gives us the funding increase.

There are still 3 issues in the bill that I will be conferring about with the staff in the federal grant office to be sure they don't disqualify us. These are in green highlight. They are:

- the effective date of the bill (must it be in effect as of the date of our application or is the 90 day lag time acceptable?),
- the cross-reference to the statutes governing termination of parental rights in child protection cases – these give precedence to the child protection case, and I think there's no problem, but I'm a cautious person, so I want to be sure.
- The cohabitation provision that you suggest below. Again, I'm not overly concerned about it, but I want to be sure. You'll see a question I have about what it looks like in real life in the comment next to the text.

I've made comments next to the text throughout to explain why we've made the suggestions we have – if there's anything unclear or problematic let me know. Most of the suggestions are of a technical or clarifying nature so I'm hoping that they will not be unduly troubling to anyone.

Thanks again,
Mary

From: Ed Rivet [<mailto:erivet@rtl.org>]
Sent: Thursday, April 28, 2016 4:36 PM

To: Lovik, Mary (DHHS) <LovikM@michigan.gov>

Cc: Cain, Debi (DHHS) <CainD@michigan.gov>; Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>

Subject: Re: SB 858 - Amend revocation of paternity act

Gosh lady... as if you haven't put enough pressure on already? ;-)

I work better under pressure anyway and love a challenge. We'll go for it. Already emailed Sandra in Jones' office to see how we quickly we can line this up.

Here's the language I'm suggesting to make 858 as close to HB 4481 as possible. See how it reads at your end.

Proposed Amendments to SB 858.

1. Amend page 6, line 5, after (2) by striking line 5 through line 8, and inserting: ""(2) In an action brought by a mother, if the court finds by clear and convincing evidence in a fact-finding hearing that the child was conceived as a result of an act of nonconsensual sexual penetration, the court shall:"

2. Amend page 6, after line 16, by inserting a new subsection (3) as follows:

"(3) Subsection (2) does not apply if, after the date of the finding in a fact-finding hearing described in subsection (2), the biological parents cohabit and establish a mutual custodial environment for the child."

On 4/28/2016 4:28 PM, Lovik, Mary (DHHS) wrote:

And here's one more wrinkle – this funding increase is only going to be available for the next upcoming 4 grant cycles, so if we miss this one, we only have 3 more opportunities to get it.

Mary

From: Cain, Debi (DHHS)

Sent: Thursday, April 28, 2016 4:26 PM

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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:00 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: county abortion data

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:34 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: county abortion data

From: Genevieve Marnon <gmarnon@rtl.org>
Sent: Thursday, July 14, 2016 11:14 AM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: county abortion data

Hi Karla,

I just did a piece for Interlochen Public Radio yesterday (<http://interlochenpublicradio.org/>) and we learned that the abortion clinic in Traverse City is closing. In addition, we learned that they do 6-10 abortions per week. We of course have no way to verify if this clinic is following the reporting laws because we don't have the county data. I think Ed is getting a bit frustrated since it has been about 2 years now that he has been asking for that. Is there any way you could can get the department to begin reporting the county data again? It would be greatly appreciated.

Thanks,

--

Genevieve Marnon
Public Affairs Associate
gmarnon@rtl.org | 517-487-3376

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From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:00 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Meeting with Ed Rivet, Michigan Right to Life

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Sent: Tuesday, July 16, 2019 4:33 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Meeting with Ed Rivet, Michigan Right to Life

From: Wahl, Kathy (DHHS) <WahlK@michigan.gov>
Sent: Friday, December 1, 2017 5:34 AM
To: Sims, Teri (DHHS) <SimsT2@michigan.gov>
Cc: Vreibel, Nancy (DHHS) <VreibelN@michigan.gov>; Ruest, Karla (DHHS) <RuestK@michigan.gov>; Vorce, Donna (DHHS) <VorceD@michigan.gov>; Copeland, Glenn (DHHS) <copelandg@michigan.gov>; Chavez, Monica (DHHS) <ChavezM1@michigan.gov>; MacMaster, Karen (DHHS) <MacMasterK@michigan.gov>; Rockefeller, Cheryl (DHHS) <RockefellerC@michigan.gov>; Saterlee, Kim (DHHS) <SaterleeK@michigan.gov>
Subject: Re: Meeting with Ed Rivet, Michigan Right to Life

I believe this came to me by accident.

Kathy Wahl BS, MSN, RN
Director, Division of EMS and Trauma
Bureau of EMS Trauma and Preparedness
Michigan Department of Health and Human Services
201 Townsend St.
Lansing, MI 48913
Office: 517-335-8489
Cell: 517-898-8386

On Nov 30, 2017, at 4:32 PM, Sims, Teri (DHHS) <SimsT2@michigan.gov> wrote:

Mr. Rivet, Michigan Right to Life has requested a meeting with Nancy Vreibel to discuss the following items.

1. Implementation of PA 154 regarding scope of treatment – Post bills
2. Annual abortion report and missing stat
3. CAPA and screening protocols
4. Follow Up on Senate Bill 367

DHHS Staff:
Karla Ruest
Glenn Copeland

Karen MacMaster
Kathy Wahl

<meeting.ics>

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Sent: Wednesday, July 24, 2019 2:00 PM
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Subject: FW: Meeting with Ed Rivet, Michigan Right to Life

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:33 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Meeting with Ed Rivet, Michigan Right to Life

From: Ruest, Karla (DHHS)
Sent: Tuesday, December 5, 2017 9:34 AM
To: Wahl, Kathy (DHHS) <WahlK@michigan.gov>; Sims, Teri (DHHS) <SimsT2@michigan.gov>
Cc: Vreibel, Nancy (DHHS) <VreibelN@michigan.gov>; Vorce, Donna (DHHS) <VorceD@michigan.gov>; Copeland, Glenn (DHHS) <copelandg@michigan.gov>; Chavez, Monica (DHHS) <ChavezM1@michigan.gov>; MacMaster, Karen (DHHS) <MacMasterK@michigan.gov>; Rockefeller, Cheryl (DHHS) <RockefellerC@michigan.gov>; Saterlee, Kim (DHHS) <SaterleeK@michigan.gov>
Subject: RE: Meeting with Ed Rivet, Michigan Right to Life

No, you were added to this meeting because of the Implementation of PA 154. That involves the MCAs. ☺

Karla

From: Wahl, Kathy (DHHS)
Sent: Friday, December 01, 2017 5:34 AM
To: Sims, Teri (DHHS) <SimsT2@michigan.gov>
Cc: Vreibel, Nancy (DHHS) <VreibelN@michigan.gov>; Ruest, Karla (DHHS) <RuestK@michigan.gov>; Vorce, Donna (DHHS) <VorceD@michigan.gov>; Copeland, Glenn (DHHS) <copelandg@michigan.gov>; Chavez, Monica (DHHS) <ChavezM1@michigan.gov>; MacMaster, Karen (DHHS) <MacMasterK@michigan.gov>; Rockefeller, Cheryl (DHHS) <RockefellerC@michigan.gov>; Saterlee, Kim (DHHS) <SaterleeK@michigan.gov>
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<meeting.ics>

Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:01 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive abortion

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:32 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive abortion

From: Genevieve Marnon <gmarnon@rtl.org>
Sent: Tuesday, January 30, 2018 2:56 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: Coercive abortion

Hi Karla,

I was wondering if you were able to ascertain where in the process the coercive abortion screening protocols are and what the timeframe for getting them in place was? Please let me know if there is anything I can do on my end.

Thanks,

Genevieve

Genevieve Marnon
Public Affairs Associate
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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
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Subject: FW: screening protocols

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:32 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: screening protocols

From: Genevieve Marnon <gmarnon@rtl.org>
Sent: Wednesday, February 14, 2018 8:47 AM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: screening protocols

Hi Karla,

Just a reminder – if you could please check to see where in the process the coercive abortion screening protocols are, it would be greatly appreciated. If you need a copy of what Mary Lovik and I were working on over the past year and a half, let me know.

Thanks,

Genevieve

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To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
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From: Ruest, Karla (DHHS)
Sent: Thursday, February 15, 2018 1:45 PM
To: gmornon@rtl.org
Subject: FW: screening protocols

Genevieve,

I am in search of who is working on these!

Karla

From: Genevieve Marnon [<mailto:gmarnon@rtl.org>]
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To: Wyrzykowski, Marina (DHHS)
Subject: FW: MI-POST form
Attachments: POST 7-16-13 VOID.pdf

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To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
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From: Genevieve Marnon <gmarnon@rtl.org>
Sent: Tuesday, January 23, 2018 11:40 AM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: MI-POST form

Hi Karla,

Attached is the sample MI-POST form. This version will obviously change, and although the color used in the pilot program was hot pink, I believe the committee will be allowed to change that as well. I have it on my calendar to follow-up with you on the coercive abortion screening protocols next week to at least see where we are on them. As we discussed yesterday, SB 367 (perinatal hospice and prenatally diagnosed conditions act) will be on hold until we get a substitute prepared. We will double back with you once that happens. The county abortion data will require a new bill; we will let you know when that happens as well. Please let me know if there is anything else you need from me on either the POST legislation or the coercive abortion screening protocols.

Thanks,

Genevieve

Genevieve Marnon
Public Affairs Associate
gmarnon@rtl.org | 517-487-3376

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[Twitter](#) | [Facebook](#) | [Blog](#) | [YouTube](#)



Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:01 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive Abortion Prevention Act: Background and Timeline

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:31 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Prevention Act: Background and Timeline

From: Ed Rivet <erivet@rtl.org>
Sent: Friday, February 23, 2018 2:31 PM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: RE: Coercive Abortion Prevention Act: Background and Timeline

Jeff,

Thanks very much. I'm pretty sure that all the essentials for the required materials are in place and it shouldn't take much to put some final approvals on them. We're more than anxious to get this stuff implemented. 5 years is an awfully long time to wait.

Ed

From: Spitzley, Jeff (DHHS) [<mailto:spitzleyj2@michigan.gov>]
Sent: Friday, February 23, 2018 10:24 AM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: Coercive Abortion Prevention Act: Background and Timeline

Hello, Ed. Below is a summary of the requirements and activities to date regarding the development of materials related to the coercive abortion prevention act.

- Effective March 31, 2013, the Public Health Code requires abortion providers to screen for coercive abortion and requires MDHHS to develop materials for abortion providers to use in implementing these screening requirements. MCL 333.17015a. In developing these materials, the Department is directed by the Code to consider "the standards and recommendations of the joint commission on accreditation of healthcare organizations, the Michigan domestic and sexual violence prevention and treatment board, the Michigan coalition to end domestic and sexual violence..., and the American medical association." MCL 333.17015(11)(i). The above provisions could not be implemented until September 2016, when the state legislature added a provision to the Penal Code that defined what behavior constitutes "coercive abortion." MCL 750.213a. (Public Health Code Excerpts attached)

- The law requires the MDHHS to develop the following:
 - o A notice posted in clinics and facilities that coercion to undergo an abortion is illegal, containing information about sources of assistance for domestic and sexual violence. Notice must be available in English, Spanish and Arabic.
 - o A prescreening summary on coercion to have an abortion that contains the information on the above notice and alerts patients that screening for coercion will be conducted prior to the procedure. This would be given to or verbally communicated to each individual patient. Available in English, Spanish and Arabic.
 - o Screening tools and accompanying training materials to be used by a physician or accompanying staff to help staff communicate abortion coercion information to clients and document findings in the medical record.
 - o A protocol for responding to disclosures of coercion or domestic violence.
- In Summer 2017, the Michigan Domestic and Sexual Violence Prevention and Treatment Board (MDSVPTB) and the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV) began working with Right to Life of Michigan on draft materials that would meet the training materials required by the code.
- In Fall 2017, the BFHS identified staff in the Division of Maternal and Infant Health (DMIH) to work on the project on behalf of the Department. DMIH staff met with MCEDSV, reviewed draft content and took over the project to make agreed upon edits to the current content, create four other pieces of content required by the code (prescreening summary, screening tools, protocol, notice), review materials by professional organizations (such as ACOG, AMA, etc.), reviewed materials currently used by medical professionals, and obtain necessary reviews by administration, MDHHS legal, MDHHS Communications and possibly vested organizations (abortion providers and Right to Life) as determined by administration.
- DMIH staff plan to have initial drafts of all materials available for review by March 1. After MDSVPTB and MCEDSV sign off, we'll route for administrative approvals and upwards. We have escalated our timeline for this project given interest by outside organizations.

If you have any questions, please feel free to contact me.

Jeff

Jeff Spitzley
 Legislative & Constituent Services
 MI Dept. of Health & Human Services
Spitzleyj2@michigan.gov
 517-284-4037

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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 1:59 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: SB 858 - Amend revocation of paternity act
Attachments: Rape survivor custody Act.rtf

Importance: High

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:35 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: SB 858 - Amend revocation of paternity act
Importance: High

From: Lovik, Mary (DHHS) <LovikM@michigan.gov>
Sent: Thursday, April 28, 2016 3:34 PM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Cain, Debi (DHHS) <CainD@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: SB 858 - Amend revocation of paternity act
Importance: High

Thanks, Ed! We very much appreciate the information you've shared. Please note that there is some urgency for our office for getting this bill passed quickly. We won't qualify for the increase in funding this grant cycle unless the bill is signed into law very, very soon. There are two funding streams that are eligible for the increase – one of these (the Sexual Assault Services Program) will get 75% of the increase (about \$310,500). The other (STOP) will get the remaining 25% (about \$103,500). We need to apply for the larger Sexual Assault Services Program increase by May 20, and for the STOP increase by May 26. This means as a practical matter that the Governor has to sign the bill into law before May 20 for us to receive the full benefit of the Act.

In addition to the Act signed by the Governor, we'll need to submit with our applications an opinion from the AG's office that the new law is consistent with the federal Act. We could request the AG opinion during the legislative process as soon as we can get language that is likely to pass into the final version.

We much appreciate your work with ACLU. If I can help with the due process piece let me know. I've attached the federal act, which specifically mentions that the "clear and convincing" standard is consistent with constitutional due process standards as expressed by the US Supreme Court. See 42 U.S.C.A. § 14043h-1, which appears toward the end of the attachment (for some reason, the download produced the statutes in reverse order). Perhaps this will help. Any other info or assistance you might need, please let me know.

Thanks again,

Mary

From: Ed Rivet [<mailto:erivet@rtl.org>]

Sent: Thursday, April 28, 2016 2:31 PM

To: Lovik, Mary (DHHS) <LovikM@michigan.gov>

Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Cain, Debi (DHHS) <CainD@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>

Subject: Re: SB 858 - Amend revocation of paternity act

Mary,

The bill is not so much stalled, but it is temporarily in "park" and idling. Shelli Weisberg for the ACLU has raised some "due process" concerns about the language in SB 858, and we understand them because the bill drafter was not as precise and consistent with the language she put into SB 858 compared to HB 4481.

I just need to work with Shelli to get the language cleaned up and I'm pretty sure we'll be able to get SB 858 back on track for action very soon - like in the next couple of weeks. It is our intention to have 858 done and sent to the governor before the Legislature recesses in June. We absolutely want to see the department be able to access that additional \$414K in funding!

We agree with you that the job is only have done and have every intention of finishing the job. Will get back to you soon on our progress with the ACLU.

Ed

On 4/28/2016 1:43 PM, Lovik, Mary (DHHS) wrote:

Hi Ed,

Hope you're doing well. I've heard that the above bill isn't moving, and I wonder if you have any information as to whether this is true, and if so, what the issues are that hold it back?

It occurs to me that perhaps legislators are thinking that the issue of rapists' access to children is covered by the passage of HB 4481, which would prohibit awards of child custody/parenting time to a biological parent who is found by clear and convincing evidence to have committed rape. While that bill is an important step in the right direction, it does not offer the same level of protection to rape victims and their children that HB 858 does. HB 4481 only addresses access to children. Unlike SB 858, it does not terminate other aspects of parental rights, such as the right to guardianship in the event the mother dies, or the right to inherit. (Regarding inheritance, is possible under current Michigan law for a rapist to inherit from a child who predeceases him without leaving a will.) I'm also concerned that sec. 7a(5) of HB 4481 may limit rape victims to "defensive" use of the relief the bill provides, in that it specifies that the bill's prohibitions can be asserted against a rapist in response to his actions seeking custody or parenting time with the child. It's not clear under the bill whether a mother can herself initiate a court action for a declaration that the rape perpetrator cannot have access to the child. SB 858 clearly allows a mother to take the initiative to request this relief, relieving her of the burden of waiting for the rape perpetrator to come forward first.

Because of the foregoing gaps in protection, the bill doesn't meet the requirements of the Federal Rape Survivor Child Custody Act, 42 USC 14043h et seq., which would increase the amount of federal funding provided to programs that provide services to rape victims. Based on Michigan's current funding streams, compliance with this Act would increase the state's current level of funding by approximately \$414,000.

In any event, we were hopeful that SB 858 would close some of the gaps left in HB 4481, and are wondering if you have insights. If it really is stalled, we are disappointed to hear it.

Best,
Mary Lovik

Michigan Domestic & Sexual Violence Prevention & Treatment Board
Grand Tower, Suite 615
P.O. Box 30037
Lansing, MI 48909
Phone: 517-241-7591
Fax: 517-241-8903
Lovikm@michigan.gov

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Ed Rivet
Legislative Director
erivet@rtl.org | 517-487-3376

www.RTL.org

[Twitter](#) | [Facebook](#) | [Blog](#) | [YouTube](#)



Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:01 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive Abortion Materials

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:31 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Materials

From: Ed Rivet <erivet@rtl.org>
Sent: Wednesday, April 18, 2018 4:22 PM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: Coercive Abortion Materials

Jeff,

Part of what you sent me on February 23 included the following:

“DMIH staff plan to have initial drafts of all materials available for review by March 1. After MDSVPTB and MCEDSV sign off, we’ll route for administrative approvals and upwards. We have escalated our timeline for this project given interest by outside organizations.”

So when you say today that the documents are being review by various program areas, does that mean MDSVPTB and MCEDSV have or have not signed off? If not, isn’t 6 weeks enough time to review documents they were consulted on and helped to draft in the first place? Who else besides Communications is looking at this or needs to look at this?

I’m leaving my position with Right to Life on May 11. This process has taken nearly 2 years to complete, needlessly slow in my opinion. I would like to see it checked off my “To Do” list in that time frame.

Ed

From: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Sent: Wednesday, April 18, 2018 10:51 AM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: Coercive Abortion Materials

Hello, Ed. The documents are being reviewed by the various program areas involved/impacted. The next step is having our Communications area review them. I’ve asked for an estimate on when that might be completed and will let you know as soon as I hear back on that.

Jeff

From: Ed Rivet [<mailto:erivet@rtl.org>]
Sent: Monday, April 16, 2018 3:42 PM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: Coercive Abortion Materials

Jeff,

Per your email of February 23, you anticipated materials required under MCL 333.17015 and 17015a would finish the draft stage by March 1, with upward administrative approvals sought thereafter.

It's 6 weeks beyond March 1. Status report? These documents were 99% done when we met with DHHS staff in February. I'm more than hopeful there is little left remaining before full implementation of the law is underway. We've been patient, but years have now gone by. Shall we get this done?

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Subject: FW: Coercive Abortion Materials

From: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Sent: Thursday, April 19, 2018 9:49 AM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: Coercive Abortion Materials

MDSVPTB has reviewed them. It's being reviewed by MDHHS management and then Communications.

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To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Materials

From: Ed Rivet <erivet@rtl.org>
Sent: Thursday, April 19, 2018 4:06 PM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: Coercive Abortion Materials

Cool. Progress makes me feel better.

Thanks for the details.

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To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:02 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:30 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials

From: Ed Rivet <erivet@rtl.org>
Sent: Wednesday, May 2, 2018 9:05 AM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: RE: Coercive Abortion Prevention Act: DRAFT Materials

Jeff,

Thanks very much for these! Anxious to review them and will get back with any comments promptly.

Ed

From: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Sent: Wednesday, May 2, 2018 8:36 AM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: Coercive Abortion Prevention Act: DRAFT Materials
Importance: High

Good morning, Ed.

Attached please find the materials in compliance with the Coercive Abortion Prevention Act created by the Bureau of Family Health Services in cooperation with the Michigan Domestic Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence.

The law requires the MDHHS to develop the following materials in consideration of certain recommendations and standards:

1. A notice posted in clinics and facilities that coercion to undergo an abortion is illegal, containing information about sources of assistance for domestic and sexual violence. Notice must be available in English, Spanish and Arabic.
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4. A protocol for responding to disclosures of coercion or domestic violence. The protocol is combined with the screening tool document attached.

I’ve also attached the MCL language as a reference.

The attached draft versions have been reviewed by MDHHS Communications. Final versions will receive an additional review from MDHHS Communications and Legal.

We believe the attached documents comply with the law as written and maintain the spirit of the document collaborated on by Right to Life. We are happy to receive input and feedback on these final versions for consideration. If you have questions, please feel free to contact me.

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Jeff Spitzley
Legislative & Constituent Services
MI Dept. of Health & Human Services
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Subject: RE: Coercive Abortion Prevention Act: DRAFT Materials

Jeff,

I've reviewed the materials and I think they are very solid. I did find one typo on the Patient Information form, (with the notation 10th grade reading level). Under the second question, start of the 4th sentence, should read, "If you report coercion,..." rather than "your."

There is reference to a small information card to be available to women under #3 of the protocols if coercion is revealed, and we worked with Mary Lovik to develop one, but I didn't find that among the attached documents. If that's gotten lost in the mix of all these documents, we can supply the mock-up we were working on previously.

My associate Genevieve (who will be taking over my position after next week) did most of the work on this and she is out of the office until next Wednesday. I know she'll want to give this a thorough review upon her return for details that I might miss. Overall, however, I wouldn't anticipate too many changes.

Ed

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Subject: FW: Coercive Abortion Prevention Act: Background and Timeline
Attachments: mcl-333-17015.pdf; mcl-750-213a.pdf

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:32 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Prevention Act: Background and Timeline

From: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Sent: Friday, February 23, 2018 10:24 AM
To: erivet@rtl.org
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: Coercive Abortion Prevention Act: Background and Timeline

Hello, Ed. Below is a summary of the requirements and activities to date regarding the development of materials related to the coercive abortion prevention act.

- Effective March 31, 2013, the Public Health Code requires abortion providers to screen for coercive abortion and requires MDHHS to develop materials for abortion providers to use in implementing these screening requirements. MCL 333.17015a. In developing these materials, the Department is directed by the Code to consider “the standards and recommendations of the joint commission on accreditation of healthcare organizations, the Michigan domestic and sexual violence prevention and treatment board, the Michigan coalition to end domestic and sexual violence..., and the American medical association.” MCL 333.17015(11)(i). The above provisions could not be implemented until September 2016, when the state legislature added a provision to the Penal Code that defined what behavior constitutes “coercive abortion.” MCL 750.213a. (Public Health Code Excerpts attached)
- The law requires the MDHHS to develop the following:
 - o A notice posted in clinics and facilities that coercion to undergo an abortion is illegal, containing information about sources of assistance for domestic and sexual violence. Notice must be available in English, Spanish and Arabic.
 - o A prescreening summary on coercion to have an abortion that contains the information on the above notice and alerts patients that screening for coercion will be conducted prior to the procedure. This would be given to or verbally communicated to each individual patient. Available in English, Spanish and Arabic.
 - o Screening tools and accompanying training materials to be used by a physician or accompanying staff to help staff communicate abortion coercion information to clients and document findings in the medical record.
 - o A protocol for responding to disclosures of coercion or domestic violence.

- In Summer 2017, the Michigan Domestic and Sexual Violence Prevention and Treatment Board (MDSVPTB) and the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV) began working with Right to Life of Michigan on draft materials that would meet the training materials required by the code.
- In Fall 2017, the BFHS identified staff in the Division of Maternal and Infant Health (DMIH) to work on the project on behalf of the Department. DMIH staff met with MCEDSV, reviewed draft content and took over the project to make agreed upon edits to the current content, create four other pieces of content required by the code (prescreening summary, screening tools, protocol, notice), review materials by professional organizations (such as ACOG, AMA, etc.), reviewed materials currently used by medical professionals, and obtain necessary reviews by administration, MDHHS legal, MDHHS Communications and possibly vested organizations (abortion providers and Right to Life) as determined by administration.
- DMIH staff plan to have initial drafts of all materials available for review by March 1. After MDSVPTB and MCEDSV sign off, we'll route for administrative approvals and upwards. We have escalated our timeline for this project given interest by outside organizations.

If you have any questions, please feel free to contact me.

Jeff

Jeff Spitzley
Legislative & Constituent Services
MI Dept. of Health & Human Services
Spitzleyj2@michigan.gov
517-284-4037

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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:01 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials
Attachments: DRAFT NOTICE-Coercion to Abort law.docx; DRAFT Prescreening Summary on Prevention of Coercion to abort- 3.docx; DRAFT Screening Tool and Protocol for Providers for Coercion to Abort.docx; DRAFT Training Tool for Providers-2-Screening Guidance for Coercion.docx; mcl-333-17015.pdf; mcl-750-213a.pdf; DRAFT Training Tool for Providers-1-Screening Requirements for Coercion to Abort.docx

Importance: High

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:31 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials
Importance: High

From: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Sent: Wednesday, May 2, 2018 8:36 AM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: Coercive Abortion Prevention Act: DRAFT Materials
Importance: High

Good morning, Ed.

Attached please find the materials in compliance with the Coercive Abortion Prevention Act created by the Bureau of Family Health Services in cooperation with the Michigan Domestic Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence.

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I've also attached the MCL language as a reference.

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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:02 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:30 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials

From: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Sent: Thursday, May 3, 2018 4:56 PM
To: Ed Rivet <erivet@rtl.org>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: Coercive Abortion Prevention Act: DRAFT Materials

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Jeff

From: Ed Rivet [<mailto:erivet@rtl.org>]
Sent: Wednesday, May 2, 2018 1:42 PM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: Coercive Abortion Prevention Act: DRAFT Materials

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To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials

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Sent: Tuesday, July 16, 2019 4:30 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials

From: Ed Rivet <erivet@rtl.org>
Sent: Friday, May 4, 2018 9:03 AM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
Subject: RE: Coercive Abortion Prevention Act: DRAFT Materials

Jeff,

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Since the card is mentioned in the materials, I'm expecting the clinics will ask about them, so I wondered what they would be pointed to as a resource. So I will remain hopeful, though skeptical, about the card's use by the clinics unless DHHS is very clear and supportive in getting that resource in the providers' hands.

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Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
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Importance: High

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Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:02 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Prenatally diagnosed draft
Attachments: SB 367 (S-1) Draft 1.pdf

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:29 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Prenatally diagnosed draft

From: Genevieve Marnon <gmarnon@rtl.org>
Sent: Friday, June 15, 2018 10:33 AM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: Prenatally diagnosed draft

Hi Karla,

Attached is the new sub for the prenatally diagnosed conditions act. I believe it addresses the concerns of the department, but please take a look at it and let me know what you think. Dave Jessup in Senator Marleau's office was sending it out to the various stakeholders for their comment and we were hoping to double back on it over the summer. Also, I emailed Jeff Spitzley that I was OK with the coercive abortion screen protocols and the signage, but I haven't heard anything back regarding a timeframe for implementation. Can you give me an idea when the signs will go up in the clinics and when the screening protocols will begin to be utilized by abortion providers? Lastly, Ed apparently received a copy of amendatory language from Glenn Copeland regarding the county data in the abortion report. Is there any way you could send me that language? I'd like to get a bill drafted for introduction in the fall, and Ed can't seem to find it. (as and FYI....the vital statistics division is reworking the numbers in several categories due to some significant errors in this year's report). Thank you so much for your help!

Sincerely,

Genevieve

Genevieve Marnon
Legislative Director of Right to Life of Michigan
gmarnon@rtl.org | 517-487-3376

www.RTL.org

[Twitter](#) | [Facebook](#) | [Blog](#) | [YouTube](#)



Wyrzykowski, Marina (DHHS)

From: Ruest, Karla (DHHS)
Sent: Wednesday, July 24, 2019 2:01 PM
To: Wyrzykowski, Marina (DHHS)
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials
Attachments: 2018 abort clinic city list.docx; SafetyCard.pdf

From: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Sent: Tuesday, July 16, 2019 4:30 PM
To: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: FW: Coercive Abortion Prevention Act: DRAFT Materials

From: Genevieve Marnon <gmarnon@rtl.org>
Sent: Tuesday, May 22, 2018 2:15 PM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>
Subject: RE: Coercive Abortion Prevention Act: DRAFT Materials

Hi Jeff,

I went over the draft materials, and I think they look good. Much shorter, so that is probably better for clinical use. I know you mentioned that the safety card wasn't necessary, but I've attached it in case you decide that it more easily meets the requirements of the law to give the women referral information *(D) Provide referral information to the patient regarding law enforcement and domestic violence and sexual assault support organizations*.

In addition, I've attached all the abortion clinics in Michigan to make it easier to provide them with the signs and the screening materials.

As you know, Ed is no longer with Right to Life of Michigan; I have taken over as the Legislative Director, so feel free to direct any questions, comments or concerns to me.

Thank you,

Genevieve Marnon

From: Ed Rivet
Sent: Friday, May 04, 2018 9:03 AM
To: Spitzley, Jeff (DHHS) <spitzleyj2@michigan.gov>
Cc: Ruest, Karla (DHHS) <RuestK@michigan.gov>; Genevieve Marnon <gmarnon@rtl.org>
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